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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/069,181	02/22/2002	Armand Nacheff	T2146-907758	7549
181	7590	03/23/2006		
MILES & STOCKBRIDGE PC 1751 PINNACLE DRIVE SUITE 500 MCLEAN, VA 22102-3833			EXAMINER BHATTACHARYA, SAM	
			ART UNIT	PAPER NUMBER
			2617	

DATE MAILED: 03/23/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/069,181	<b>Applicant(s)</b> NACHEF, ARMAND	
	<b>Examiner</b> Sam Bhattacharya	<b>Art Unit</b> 2688	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 08 March 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-3, 5-16 and 18-20 is/are rejected.
- 7) ☒ Claim(s) 4 and 17 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

**DETAILED ACTION.**

***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on March 8, 2006 has been entered.

***Claim Rejections - 35 USC § 102***

2. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.
3. Claims 1-3, 5-16 and 18-20 are rejected under 35 U.S.C. 102(e) as being anticipated by Ritter (US 6,859,650).

Regarding claim 1, Ritter discloses a method for processing digital data in a mobile telephone network including a mobile unit 1 operatively connected to a smart card 2 having an embedded chip, said chip having an information processor and a data storage unit, said data storage unit including a reporter-type application program, said method including receiving, in a remote server (SIM server 5), an event sent from a mobile unit; and delegating, in response to receiving said event, execution of a smart-card operation to an additional application program stored in a data storage unit of the remote server. See FIG. 1, col. 3, lines 40-46 and col. 5, lines 57-64.

Regarding claim 2, Ritter discloses that the data storage unit of the smart card stores at least one program for controlling said mobile unit by sending commands and for reacting to events sent from the mobile unit, said program for reacting to said events executing instructions associated with said events, in order to perform functionalities associated with at least one predetermined application. See col. 6, lines 32-41.

Regarding claims 3, 9 and 16, Ritter discloses that the reporter-type application program retransmits to the remote server a data characteristic of said event received from said mobile unit, and wherein the additional application program in the remote server executes, upon reception of said data characteristic, at least one of said instructions associated with said at least one predetermined application, and retransmits results of said execution to said mobile unit to said embedded chip in the smart card. See col. 5, line 64 – col. 6, line 3.

Regarding claims 5, 10, 18 and 19, Ritter discloses that the additional application program stored in the remote server is a master-type application program, wherein a slave-type application program is stored in said storage unit of said embedded chip of the smart card, wherein said slave-type application program receives commands from the master-type application program and executes said commands using said information processor of said embedded chip of the smart card, and wherein said slave-type application program retransmits results of said execution of commands to the master-type application program. See col. 4, lines 18-37 and col. 6, lines 26-31.

Regarding claims 6, 11, 13 and 20, Ritter discloses that at least one of the reporter-type application program and the slave-type application program is an autonomous-type application

program which directly executes a pre-established part of said at least one predetermined application in said embedded chip of the smart card. See col. 4, lines 18-37.

Regarding claim 7, Ritter discloses that said mobile telephone network complies with a GSM standard, and wherein said reporter-type application program complies with a GSM 11.14 standard. See col. 3, line 53 – col. 4, line 2.

Regarding claim 8, Ritter discloses that the telephone network includes at least two distinct transmission channels, one being a voice data channel and another being a message channel, and wherein said transmitted digital data is transmitted through said message channel. See col. 5, line 36-50.

Regarding claims 12, 14 and 15, Ritter discloses that the smart card is a SIM type card. See col. 3, lines 47-61.

#### ***Allowable Subject Matter***

4. Claims 4 and 17 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The following is a statement of reasons for the indication of allowable subject matter: claims 4 and 17 are objected to for the reasons stated in the previous Office Action.

#### ***Response to Arguments***

5. Applicant's arguments with respect to the claims have been considered but are moot in view of the new ground(s) of rejection.


***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sam Bhattacharya whose telephone number is (571) 272-7917. The examiner can normally be reached on Weekdays, 9-6, with first Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, George Eng can be reached on (571) 272-7495. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

sb

  
GEORGE ENG  
SUPERVISORY PATENT EXAMINER